

VOLUNTARY LEAVE TRANSFER PROGRAM

1. Definitions.

a. Available paid leave means accrued or accumulated annual or sick leave, and recredited and restored annual and sick leave. It does not include annual or sick leave advanced to an employee or accrued while the employee is participating in the voluntary leave transfer program.

b. Family member means the following relatives of the employee:

(1) Spouse, and parents thereof;

(2) Children, including adopted children, and spouses thereof;

(3) Parents;

(4) Brothers and sisters, and spouses thereof;
and

(5) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

c. Leave donor means an employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved by the donor's employing agency.

d. Leave recipient means a current employee for whom the employing agency has approved an application to receive annual leave from the annual leave accounts of one or more donors.

e. Medical emergency means a medical condition of an employee or a family member of such employee that is likely to require an employee's absence for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave.

2. Applying to Become a Leave Recipient.

a. An employee affected by a medical or family medical emergency must apply in writing to become a leave recipient. Employees shall use Appendix D for such purpose. If the employee is unable to apply on his or her own behalf, a person designated as the employee's personal representative may make written application on the employee's behalf. Bargaining unit employees may contact their local union for assistance in completing the form, if desired.

b. In addition to the information requested by Appendix D, applicants must list the anticipated duration of the medical emergency, and, if it is a recurring one, the approximate frequency of the medical emergency affecting the applicant (list in block 7).

3. Approval of Leave Recipient Application.

a. The supervisor must determine that the potential recipient's absence from duty without available paid leave is expected to be at least 24 hours (in the case of a part-time employee or employee with an uncommon tour of duty, at least 30 percent of the average number of hours in the biweekly pay period).

b. An employee's availability to use paid sick leave to care for a family member shall be considered available paid leave for the purpose of determining an employee's eligibility to become a leave recipient.

4. Notifying the Potential Leave Recipient of the Disposition of the Application:

a. The supervisor shall review the leave recipient application and determine if the criteria above are met. If the application is approved, within 10 calendar days (excluding Saturdays, Sundays and legal holidays) of receipt of the application, the supervisor shall notify the applicant, or personal representative, that:

(1) The application has been approved; and

(2) Other employees of the Aircraft Division may request the transfer of annual leave to the account of the leave recipient.

b. The supervisor shall forward the approved copy of Appendix D to the leave recipient's servicing payroll office and a copy to the servicing Human Resources Advisor.

c. The supervisor shall also provide the leave recipient with a completed copy of Appendix E, specifying the conditions the recipient must meet to remain eligible for the leave transfer program. The recipient's competency shall continuously monitor the status of the medical emergency to ensure that the recipient is still affected by the emergency.

d. If the application is disapproved, the supervisor shall notify the applicant or personal representative, via Appendix E, within the time frame above:

- (1) That the application has been disapproved;
- (2) The reasons for the disapproval; and
- (3) The employee's grievance rights.

5. Applying to Become a Leave Donor.

a. Any employee wishing to donate leave to an approved recipient within their agency must submit their application on Appendix F, accompanied by a copy of the most recent leave and earning statement (LES), to their immediate supervisor.

b. The supervisor must review the donor application form and LES to determine that the applicant has a sufficient leave balance to cover the donation and that the hours to be donated don't exceed more than half of the amount the employee will earn that leave year. If the leave donor is projected to forfeit leave, the maximum amount that may be donated during the leave year will be the lesser of:

- (1) one-half the amount of annual leave the applicant would accrue during the leave year in which the donation is made; or
- (2) the number of hours remaining in the leave year as (as of the date of the transfer) for which the employee is scheduled to work and receive pay.

c. Department Heads may waive the limitation above, if good cause exists. The applicant must submit a separate, signed written statement to the Department Head via the supervisor, certifying the donor's awareness that the application exceeds the limitations and describing the unusual circumstances inherent in the request. If the waiver request is approved, the Department Head shall submit it to the donor's servicing payroll office and send a copy to the supervisor.

d. Employees may not donate leave to their immediate supervisor.

e. The minimum amount of leave that may be donated is one hour.

6. Notification of Need for Leave Donors. Supervisors will ensure that the leave recipient has authorized release of information pertaining to the recipient's name and nature of the medical emergency (block 14 of Appendix D), before engaging in any publicity efforts.

7. Notification of Leave Donors.

a. If the leave donor's application is approved, the supervisor will notify the donor via Appendix G of:

(1) The number of hours of annual leave that will be transferred; and

(2) The entitlement to have a portion of the unused transferred annual leave restored at the termination of the leave recipient's medical emergency.

b. If the application is disapproved, the supervisor will notify the employee in writing via Appendix G of:

(1) The reason for the disapproval; and

(2) The employee's grievance rights.

c. The supervisor shall forward an approved copy of Appendix C to the leave donor's servicing payroll office.

8. Retroactive Substitution.

a. Annual leave transferred to a recipient's credit may be substituted retroactively for periods of leave without pay, or used to liquidate an indebtedness for advanced annual or sick leave, granted on or after a date fixed by the leave recipient's employing agency as the beginning of the period of medical emergency for which LWOP or advanced annual or sick leave was granted.

b. For employees applying for disability retirement, the commencing date of an immediate annuity is based on the last day of an employee's pay status. For annuity purposes, the recipient should apply all transferred leave retroactively to the beginning of LWOP to maximize annuity payments.

9. Termination of Medical Emergency.

a. The medical emergency affecting a leave recipient terminates:

(1) When the recipient's Federal service terminates;

(2) At the end of the biweekly pay period in which the leave recipient (or personal representative) provides a written notice that the recipient is no longer affected by a medical emergency;

(3) At the end of the biweekly pay period in which management determines, after written notice to the employee, and the employee's (or personal representative's) opportunity to answer orally or in writing, that the recipient is no longer affected by a medical emergency; or

(4) At the end of the biweekly pay period in which management receives notice that the Office of Personnel Management has approved an application for disability retirement.

b. When the medical emergency terminates, the supervisor shall provide a written notice to the servicing Payroll office, so that office can notify donors of the amount of unused leave to be restored to their accounts.

10. Restoration of Annual Leave. Restoration of transferred annual leave in a leave recipient's account shall be handled per 5 CFR 630.911. Upon notification of

restoration, donors shall provide a written notice to their servicing payroll office detailing how the restored leave shall be credited.

11. Transfer of Annual Leave to/from Other Agencies.

a. The NAVAIRWARCENACDIV shall accept the transfer of annual leave from donors employed by other activities/agencies when:

(1) A family member of a leave recipient is employed by another activity/agency and requests the transfer of annual leave to the leave recipient;

(2) In the judgment of the supervisor, the amount of annual leave transferred from leave donors employed by NAVAIRWARCENACDIV may be insufficient to meet the needs of the leave recipient; or

(3) Acceptance of leave transferred from another activity/agency will further the purpose of the leave transfer program.

b. In the event a NAVAIRWARCENACDIV employee wishes to donate leave to an approved leave recipient employed by another activity/agency, the procedures specified in paragraph 5 apply. The prospective donor shall use Appendix H to apply. The supervisor shall forward the approved application to the Payroll Office, which will, in turn, reduce the amount of annual leave credited to the donor's account and forward a copy of the application to the leave recipient's servicing payroll office.

12. Grievance Rights. The decision to disapprove an application to receive or donate annual leave is a grievable matter. Employees wishing to grieve a disapproval shall use the administrative or negotiated grievance procedure, depending on their bargaining unit status.

13. Accrual of Annual and Sick Leave.

a. The maximum amount of leave that a leave recipient may accrue while in a shared leave status is 40 hours of both sick and annual leave (in the case of a part-time employee or employee with an uncommon tour of duty, the average number of hours in the employee's weekly scheduled tour of duty).

b. Any sick and annual leave accrued by a leave recipient:

(1) Shall be credited to a separate leave account;

(2) Is not available for use by the employee until it is transferred to the employee's regular leave account; and

(3) Shall be available for use at the beginning of the first pay period on or after the date on which the medical emergency terminates, unless the leave recipient is terminated.

14. Records Maintenance. OPM requires the maintenance of certain records for future possible evaluations of the voluntary leave program's effectiveness.

a. The Human Resources Office shall maintain information on the number of recipient applications approved for medical emergencies affecting the employee and the number approved for medical emergencies affecting a family member, and the grade, pay level and gender of each approved recipient

b. Payroll shall maintain information on the total amount of transferred annual leave used by each leave recipient.